



DBHDS Office of Licensing

Guidance for Counseling in Medication Assisted/Opioid Treatment (MAT/OTP) Services.

RE: 12VAC35-105-970. Counseling sessions.

Effective 03/01/2018

In order to assist providers with understanding the qualification of counselors providing counseling services to fulfill 12VAC35-105-970., this guidance document was developed based on the Code of Virginia § 54.1-3507.1. Scope of practice, supervision, and qualifications of certified substance abuse counselors and Chapter 105 Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services.

Guidance for Counseling Sessions and Qualifications in MAT/OTP Services.

According to DBHDS Licensing Regulations, the provider shall conduct face-to-face counseling sessions (either individual or group) at least every two weeks for the first year of an individual's treatment and every month in the second year of the individual's treatment. After two years, the number of face-to-face counseling sessions that an individual receives shall be based on the individual's progress in treatment. The failure of an individual to participate in counseling sessions shall be addressed as part of the overall treatment process.

MAT/OTP services licensed by DBHDS must provide counseling services as part of the program. Counseling services must be supervised or directed by a licensed substance abuse treatment practitioner, or any other mental health professional licensed by the Department of Health Professionals. Each client receiving MAT/OTP services shall receive counseling sessions as described in 12VAC35-105-970. If counseling services are being performed by a certified substance abuse counselor (CSAC), they must be supervised by a licensed substance abuse treatment practitioner, or any other mental health professional licensed by the Department of Health Professionals. If counseling services are being performed by someone certified by a nationally recognized certification board or by someone eligible for a license or certification they must be supervised by a by a licensed substance abuse treatment practitioner, or any other mental health professional licensed by the Department of Health Professionals.

Supervisors shall have experience in working with individuals being served and in providing the services outlined in the licensed provider's service description. The provider is responsible for maintaining verification of professional credentials.

Providers shall only admit and serve individuals in their program for which staffing levels and types meet the needs of the individuals served. If a provider, is not able to meet the requirements for counseling services due to lack of staffing in the areas of counseling services including supervision and qualified counselors, the provider shall not admit individuals into their program.

Reference #1. § 54.1-3500. Definitions.

Reference #2. § 54.1-3506. License required.

Reference #3. § 54.1-3507.1. Scope of practice, supervision, and qualifications of certified substance abuse counselors.

A. A certified substance abuse counselor shall be (i) qualified to perform, under appropriate supervision or direction, the substance abuse treatment functions of screening, intake, orientation, the administration of substance abuse assessment instruments, recovery and relapse prevention planning, substance abuse treatment, case management, substance abuse or dependence crisis intervention, client education, referral activities, record keeping, and consultation with other professionals; (ii) qualified to be responsible for client care of persons with a primary diagnosis of substance abuse or dependence; and (iii) qualified to supervise, direct and instruct certified substance abuse counseling assistants. Certified substance abuse counselors shall not engage in independent or autonomous practice.

B. Such counselor shall also be clinically supervised or directed by a licensed substance abuse treatment practitioner, or any other mental health professional licensed by the Department, or, in an exempt setting as described in § 54.1-3501, another person with substantially equivalent education, training, and experience, or such counselor shall be in compliance with the supervision requirements of a licensed facility.

Reference #4. 12VAC35-105-590. Provider staffing plan.

C. The provider shall meet the following staffing requirements related to supervision.

1. The provider shall describe how employees, volunteers, contractors, and student interns will be supervised in the staffing plan and how that supervision will be documented.
2. Supervision of employees, volunteers, contractors, and student interns shall be provided by persons who have experience in working with individuals receiving services and in providing the services outlined in the service description.
3. Supervision shall be appropriate to the services provided and the needs of the individual. Supervision shall be documented.
4. Supervision shall include responsibility for approving assessments and individualized services plans, as appropriate. This responsibility may be delegated to an employee or contractor who meets the qualification for supervision as defined in this section.
5. Supervision of mental health, substance abuse, or co-occurring services that are of an acute or clinical nature such as outpatient, inpatient, intensive in-home, or day treatment shall be provided by a licensed mental health professional or a mental health professional who is license-eligible and registered with a board of the Department of Health Professions.

Reference #5. 12VAC35-105-420. Qualifications of employees or contractors.

A. Any person who assumes the responsibilities of any position as an employee or a contractor shall meet the minimum qualifications of that position as determined by job descriptions.

B. Employees and contractors shall comply, as required, with the regulations of the Department of Health Professions. The provider shall design, implement, and document the process used to verify professional credentials.

C. Supervisors shall have experience in working with individuals being served and in providing the services outlined in the service description.

D. Job descriptions shall include minimum knowledge, skills and abilities, professional qualifications and experience appropriate to the duties and responsibilities required of the position.

E. All staff shall demonstrate a working knowledge of the policies and procedures that are applicable to his specific job or position.

Reference # 6. 12VAC35-105-580. Service description requirements.

F. The provider shall admit only those individuals whose service needs are consistent with the service description, for whom services are available, and for which staffing levels and types meet the needs of the individuals served.

Reference #7. 12VAC35-105-925. Standards for the evaluation of new licenses for providers of services to individuals with opioid addiction.

E. Applicants shall submit information to demonstrate that there are sufficient personnel available to meet the following staffing requirements and qualifications:

5. Counselors shall be licensed or certified by the applicable Virginia health regulatory board or by a nationally recognized certification board or eligible for this license or certification; and

Reference#8. 42 CFR § 8.12(f) (5) Counseling services. (i) OTPs must provide adequate substance abuse counseling to each patient as clinically necessary.